

Clasby filed the instant motion seeking a sentence reduction in April of 2019. By order entered April 30, 2019, pursuant to *Castro v. United States*, 540

U.S. 375 (2003), I notified Clasby of my intention to address her motion as a § 2255 motion and offered her an opportunity to object to that construction. She has responded, stating her intention to have the motion considered as arising under 18 U.S.C. § 3582(c). I construe her submission as an objection to having the motion addressed as one arising under § 2255 motion. Therefore, I will dismiss the conditionally filed § 2255 action without prejudice.

A separate Final Order will be entered herewith.

DATED: May 24, 2019

/s/ James P. Jones
United States District Judge